



U.S. Department of Justice

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**BY CM/ECF  
FILED UNDER SEAL**

The Hon. Ellen L. Hollander  
U.S. District Court Judge  
U.S. Courthouse  
101 W. Lombard Street  
Baltimore, Maryland 21201

Re: *United States v. Jacky McComber*  
Crim. No. ELH-21-036  
Deadlines for Submitting the Government's  
Two Sentencing Reply Briefs

Dear Judge Hollander:

As the Court will recall, at the time of our last status conference on April 30th, I asked that the government be granted until Wednesday, June 12th to file our responses to the defendant's two sentencing memos (ECF #s 433 and 435) in this case, which together total some 95 pages of text and 864 pages of exhibits. Transcript of 4/30/24 Teleconference at 20. Your Honor expressed concern that this filing date would not provide you with sufficient time to review our filings before a new sentencing date in late June or early July. *Id.* at 42-43. The matter was ultimately left that I would try to file our briefs by today's date, which was also the date I had a filing due with Judge Bennett, but that I would advise the Court if that proved unworkable.

Obviously, I have been unable to file our responses by today's date (although I did complete my filing for Judge Bennett). I am now up against the week-long vacation we discussed during the conference call, which commences tomorrow, and then I will be back in the Baltimore area on the afternoon of Saturday, June 2nd. I will not be traveling for the purpose of sightseeing, so I do plan to take along my laptop and the defense's sentencing materials and to do what work I can while still trying to get a reasonable amount of badly-needed rest.

During our conference call, the defense acknowledged that its sentencing submissions "are voluminous" – indeed, in my roughly 30 years of practicing as a prosecutor before this Court, I can only recall a single other case that involved a possibly comparable mass of material from the defense – and furthermore that "we are *for the*

*first time* presenting a great deal of evidence that we think is – informs the Court[‘s] loss calculation.” 4/30/24 Transcript at 22 (emphasis added). As the Court knows, I am handling this case without assistance from any other attorney, so the burden of reviewing and responding to the defense’s submissions falls entirely on me.

While the proposal that follows is not an ideal schedule from our standpoint, I therefore request that we set a revised deadline of Saturday, June 8th for the filing of at least one of our two reply briefs to the defense’s sentencing filings – which I believe will probably be the one addressing the Guidelines issues – and then Wednesday, June 12th for our reply to the defense’s other sentencing memorandum. The 12th will have to be a hard stop (at least within the confines of the current schedule) because my wife and I are leaving the country on the 13th for an 11-day trip (through June 24th) that was scheduled when we anticipated that the district court proceedings in this case would have concluded by now. That somewhat earlier deadline will give the Court some additional time to review the first of our briefs, and since the Court has indicated that it has already finished reviewing the defense’s voluminous submissions, I hope the remaining two weeks between the 12th and the 26th will therefore prove sufficient to review our second filing prior to the scheduled sentencing dates.

Very Truly Yours,

  
Jefferson M. Gray

cc: All counsel (by ECF)